



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE WORKING OF THE STATE-WIDE REFERENDUM IN ILLINOIS.

C. O. GARDNER.

University of Illinois.

The Illinois constitution of 1870 contains several specific provisions for state-wide referenda. In addition to a popular vote on all proposed changes in the fundamental law,¹ a referendum is required on the question of disposing of Illinois and Michigan Canal lands,² on incurring state indebtedness above a certain sum,³ on acts or amendments thereto creating banking corporations,⁴ and on additional appropriations for the state house.⁵ The Public Opinion law of 1901 enlarged the field of the referendum by providing for the submission of questions of public policy, the result to be considered merely as an expression of public sentiment. This law and the constitutional provisions mentioned above constitute the sum total of all sources for referenda affecting the entire state.

The constitutions of 1818 and 1848 provided for even fewer opportunities for a popular vote on public measures. The earlier of these documents contained only one section relating to a referendum of any sort, and it dealt with the question of calling a constitutional convention. The second constitution enlarged the total number of possible questions so as to include two others. The first of these made all amendments proposed by two successive legislatures subject to popular ratification,

¹ The question of calling a constitutional convention must be submitted. Likewise all alterations made by such conventions, as well as all amendments proposed by the legislature. Const. of Ill. Art. 14, sections 1 and 2.

² Ibid. Separate section.

³ Ibid. Art. 4, sec. 18. The constitutional limitation on indebtedness (without a referendum) is \$250,000.

⁴ Ibid. Art. 11, sec. 5.

⁵ Ibid. Art. 4, sec. 33. By additional appropriations is meant all above \$3,500,000.

while an additional clause was inserted providing for a referendum on all acts of the legislature creating banking corporations. The latter is the only provision for a state wide referendum in Illinois on statutory law that can be found prior to 1870.

The conditions governing the submission and adoption of state-wide measures should be noted at the outset. All questions of this nature for which a referendum is provided must be submitted at general elections, except the work of constitutional conventions which may be submitted at special elections if that body so orders. Since measures submitted under the Public Policy act are designed merely to secure expressions of public opinion they are not dependent upon any definite majority for success. Acts concerning banking corporations require for adoption simply a majority vote on the proposition. All other measures, whether constitutional or statutory in nature, must receive a majority of the total vote at the election. The effect which this requirement has had upon the success of measures will be discussed at length on succeeding pages.

Since Illinois was admitted into the Union in 1818 no less than fifty-two separate propositions have been referred to the people for consideration. Of this number all but fifteen have been subsequent to 1870, when the present constitution was adopted. Every general election since 1877 has, with one exception, witnessed the submission of one or more measures for popular decision. Furthermore the referendum has been used at least once in every instance where provision has been made for it.⁶ Three constitutions have been submitted. That of 1848 was accompanied by two sections requiring separate consideration. Five separate sections were submitted with the constitution of 1862, and eight with that of 1870. The convention clause of the first constitution was called into operation three times. The period from 1848 to 1870 witnessed three referenda in addition to the submission of the constitution of

⁶ The question of a bond issue submitted in 1908 although technically an amendment to the separate section of the constitution relating to the canal was likewise in fact incurring indebtedness beyond the constitutional limit.

1862. Two of these were upon questions of calling conventions, and the third was upon the banking law of 1851.

Since 1870 ten constitutional amendments have been voted upon. In addition the state house appropriation clause has been referred three times, acts amending the banking laws four times, and the Illinois and Michigan Canal clause twice. To these may be added the nine questions of public policy submitted since 1901.

It will be noted that prior to 1870 all propositions, with the exception of the banking law of 1851, were constitutional in nature. Since then questions involving statutory law or measures submitted under the public policy act have outnumbered those involving changes in the constitution itself. In fact the period of referendum on statutory law may be said to date from the adoption of the present constitution.

This brief summary is perhaps sufficient to indicate the extent to which the referendum provisions have been used. Closely related to the question of frequency of submission of measures is that as to the interest shown by the electorate in propositions referred to them for consideration. This element of popular interest is of the utmost importance because upon the extent of its presence depends, in the last analysis, the success of the referendum as a means of obtaining an expression of the popular will. While its importance is thus great the difficulty of determining its character and extent is even greater.

By comparing the total vote cast on a proposition with the total number of electors eligible to vote thereon, or with the total vote for candidates for office at the same election, a percentage may be obtained which can be taken as *prima facie* evidence of the degree of interest shown. Such evidence, although serving as a satisfactory working basis, cannot be accepted as conclusive. If it could be, the proposition submitted in 1824 on the question of calling a convention would have to be conceded first place from the standpoint of interest. On this, the first referendum in the history of the state, 11,432 voters voted for or against the proposition while the total vote for candidates for Congress at the same election was 11,863. In

other words over 96 per cent. of the electors voting rendered an opinion on the measure. But this excellent showing was probably not due so much to interest on the part of the voters as to other factors that remain to be discussed.⁷ When the convention question was submitted in 1846 and 1868 the percentages were in round numbers 72 and 81 respectively.⁸ On all other occasions when measures were submitted under the first two constitutions no percentage can be obtained. Either incomplete returns render such impossible, or the negative vote on propositions was not recorded.

Beginning with 1877 and extending through 1890 various propositions were submitted which called forth an expression of opinion from an average of 76 per cent. of the voters participating in the elections. The state house appropriation measure when submitted in 1877 received 73 per cent. of the total vote, and in 1882, 74 per cent. In 1882 the Illinois and Michigan Canal clause received 83 per cent. In 1888 and 1890 the banking law and amendments polled 68 per cent. and 79 per cent. respectively. The votes on the various constitutional amendments show no marked variation from the above averages. The first, submitted in 1878, received approximately 79 per cent. of the votes for candidates; the second (1880) 69 per cent.; the fourth (1886) 83 per cent.; and the fifth (1890) 82 per cent.⁹ Thus the lowest per cent. which any measure received during this period was 68.4 cast upon the banking law of 1888, and the highest was 82.8 received by the constitutional amendment of 1886 abolishing contract convict labor. At first glance these figures would seem to indicate a rather remarkable degree of interest in propositions referred for popular decision.

Beginning with 1892, however, and continuing for a period

⁷ See page 399.

⁸ The negative vote on the proposition submitted in 1846 is marked in the official records as incomplete, hence the 70 per cent. given above is inaccurate. The total vote was probably much larger than this.

⁹ The two measures of 1884 are not included because the negative vote was not recorded in the election returns. As the success of these measures was determined by the proportion of the affirmative vote to the total vote it was not considered necessary to keep a record of the negative vote.

of eight years the returns on such propositions present an entirely different aspect. The amendment submitted in 1892 attracted only 20 per cent. of the voters at the election. A similar result was obtained upon measures appearing on the ballots of 1894, 1896, and 1898, each of which received less than 25 per cent. of the total vote.

Another abrupt change is noted in 1902 and from this time on through and including the three measures of public policy presented in November, 1910, from 55 to 75 per cent. of the voters marked the referendum ballot. In this series the banking act amendment of 1908 received the least attention, slightly less than half of the voters committing themselves, while the constitutional amendment proposed on the same ballot polled over 76 per cent. of the entire vote, which was greater than that accorded any other measure since 1890. It may also be noted that only during the last eight years has any considerable fluctuation in the size of votes on various measures appeared, which might indicate the presence of something akin to intelligent discretion on the part of the voter. Up to 1892 the percentage of the total vote was somewhat uniform from year to year, while from 1892 to 1902 this uniformity is even more marked, though the actual vote was much smaller. After 1902, however, the variation in percentage is more noticeable and apparently bears some relation to the character of the question submitted.

The situation may be stated briefly as follows: Prior to 1870 referenda were too infrequent or the returns too incomplete to be valuable as a source of study. For twenty years following the adoption of the constitution of 1870 a consistent use of its referendum provisions was made, in which an average of three fourths of the electors participated. Following this was a period of ten years, from 1892 to 1902, in which the referendum was invoked less often. Each measure submitted between these two dates received less than one fifth of the entire vote at the election. Finally, from 1902 to 1910, there has been an increase in the use of the referendum with the vote on measures ranging from one half to two thirds of the total vote at the election.

The history of the referendum since 1870 thus divides itself automatically into three distinct periods, each being characterized by a marked uniformity in the size of votes on measures, and each differing from the others in the proportion which this vote bears to the total vote.

The variation thus revealed in the size of the votes during these three periods deerves special consideration. Assuming that the size of the vote represents, in a general way, the amount of interest shown by the electorate, a natural explanation for the variation might lie in the character of the questions submitted. But a glance at the measures submitted shows that when practically the same question was referred in different periods the attention which it received varied considerably. Thus the act to amend the banking laws, submitted in 1898, was not inherently different from those submitted in 1890 and 1908. Yet the former polled only 20 per cent. of the total vote while the latter two polled 79 per cent. and 49 per cent. respectively. Again, the remedy sought in the proposed constitutional amendments of 1892 and 1896 was similar to that of the amendment of 1904, but the first two received only 20 per cent. and 25 per cent. of the entire vote while the percentage of the latter, submitted in a different period, was 71. A study of the character of the questions, therefore, fails to furnish a satisfactory explanation for the changes in the size of votes.

Another explanation is suggested by the fact that important changes have been made in the method of submitting propositions and by the still more significant fact that the dates of these changes coincide with the dates which mark the beginning or close of the periods just described. The Official Ballot law, passed in 1891, materially affected the method of submitting questions, as did also the Separate Ballot law of 1899. It will be noted that the adoption of these two laws marks the beginning or close of the periods representing the wide changes in the proportion of voters expressing themselves on questions. A study of the manner of presenting measures is, therefore, necessary to a complete understanding of the results.

Prior to 1848, when the second constitution of Illinois was

adopted, all voting was done *viva voce*. When the voter approached the polls he was asked not only to name his choice of candidates but if a referendum measure were pending to vote yes or no on it. Under the circumstances the natural thing for him to do was to answer affirmatively or negatively rather than refuse to answer at all. The result was that nearly every voting elector expressed some sort of an opinion on such measures, as is shown by the election returns considered above.¹⁰ The method of *viva voce* voting was, therefore, sufficient of itself to insure large returns on measures without assuming any great interest therein on the part of the public.

After the adoption of the constitution of 1848 the practice of *viva voce* voting was abandoned for that of the printed ballot. Under the latter system the duty of printing the ballots and, incidentally, the duty of carrying out the legal provisions governing the submission of public measures devolved upon the political parties. In this respect, however, the laws were not very explicit. The legislature of 1877 prescribed a uniform rule for the submission of proposed constitutional amendments. An act of that year stipulated that either the affirmative or the negative of such a measure should be "written or printed" on the ballot. This left the parties that printed the ballots much discretion. In the first place they determined whether or not a measure should be written or printed. If written, nothing was placed on the ballot and the voter was left to mark it as he saw fit. If, on the other hand, the printed form was to be used, each party determined which side of the proposition should appear upon its ballots, and the measure as printed was counted as so voted unless the voter took the precaution to scratch it.¹¹ The political parties thus came to assume large control over the

¹⁰ See page 396.

¹¹ Thus if the Republican party favored a proposed amendment its ballots would contain the words "For the proposed amendment to section — of article — of the constitution." When such a ballot was cast it was counted as a vote for the amendment unless the voter drew a line through these words, which action was equivalent to a negative vote.

method of submitting proposed amendments, and it is clear that the legislature intended that this should be the case.

With regard to measures other than constitutional amendments each act providing for the referendum provided also for the method of submission. In general the wording of such acts was similar to that of the law of 1877 but a few deviations may be noted. In 1884, on the occasion of the third submission of the state house appropriation question, the act specifically declared that the affirmative only should be printed upon the ballots. In other cases the parties were invariably given a wider range of discretion than they had with respect to constitutional amendments by the provision that questions may be "written or printed or partly written or partly printed" on the ballots. The additional words "partly written or partly printed" would permit printing the measure in its proper form preceded by a blank space in which the voter might insert "for" or "against". Such a scheme would make it necessary for the voter to mark a measure if he wished to vote upon it, otherwise the ballot would not count as a vote on the proposition.

The laws governing the submission of questions during the period of the party ballot thus left political parties one of three alternatives. They might, in the first place, omit all mention of the measure on the ballot; secondly they might print either the affirmative or the negative of the measure; finally, they might, except in the case of constitutional amendments, print the measure in full with a blank space in which the voter might express either his approval or his disapproval.

In actual practice the parties invariably took advantage of the second alternative and printed one side of the question only. By this means they practically secured a direct party vote on all referendum propositions.¹² When the state house appropriation measure was submitted in 1877, the Republican party, then in power and strongly favoring the grant, urged its local commit-

¹² The expedient of securing a straight party vote upon questions submitted to a popular vote has been resorted to in recent years in Nebraska and Ohio. By this system a voter, on voting the party ticket, votes automatically on the measure. See W. F. Dodd, *Revision and Amendment of State Constitutions*, p. 188.

tees to have only the affirmative printed upon the party ballots. The appropriation was defeated by equally strenuous efforts, along similar lines, by its opponents.¹³ The same experience was repeated in 1882; but in 1884, when the question was submitted for the third time, both of the leading parties approved and, as had been mentioned, the act providing for the submission insured its success by stipulating that the affirmative side only should appear upon the ballot. In effect the legislature thus determined in advance what the popular will on the appropriation should be, and the submission of the measure became nothing more than a mere formality required by law but practically valueless as an expression of popular opinion. In 1878, when the drainage amendment was under consideration and unopposed, its friends openly admitted that the plan of printing one side of the question was the only means of securing a sufficiently large vote, since constitutional amendments required a majority of the total vote at the election. It would, therefore, seem that the plan was recognized as a necessary expedient to overcome general indifference and secure the requisite majority of votes. Again, in 1886, both parties were nominally at least supporting the proposed convict labor amendment. The Democratic central committee arranged to print the affirmative only upon the ballot of that party, "assuming that the people are a unit for it."¹⁴ The Republicans, however, adopted the "novel" scheme of printing both sides of the question and were at once charged with designs to defeat the amendment. In defense of its position the party maintained that such was necessary in order to insure an intelligent expression of opinion from the voter, but this argument was generally regarded as having little merit.¹⁵

The adoption of the official ballot act of 1891 brought to an end these artificial devices for securing large votes on referendum

¹³ The *Springfield Journal*, Oct. 9, 1877, gives a facsimile of the Sangamon County Republican ticket.

¹⁴ See an editorial in the *Illinois State Register*, Oct. 31, 1886. Also the *Springfield Journal* Oct. 30, of the same year.

¹⁵ The party was also accused of disloyalty to the measure on other grounds. See separate pamphlet in the *Illinois State Register*, Nov. 2, 1886.

measures. Henceforth public measures were printed on the official ballot with blank spaces both for favorable and unfavorable marks, but with no provision by which a straight party vote would count either for or against such measures. By this system a measure to be voted upon at all must be specially marked either affirmatively or negatively. To vote on a proposition thus meant that the voter casting the ballot must give it some attention, whereas prior to 1891 he might have been on record as having voted upon such a measure although actually unaware of its submission. As a result, all measures submitted between 1891 and 1899, which required a majority of the votes cast at the election, were defeated through failure on the part of the voter to give them consideration.¹⁶ It was not long before public spirited citizens awoke to the fact that the ballot act of 1891 rendered favorable action on a referred proposition almost impossible, for no measure, however important, attracted more than one voter in every four who voted for candidates.

The resulting separate ballot law of 1899 was unquestionably intended as another practical device for overcoming popular inertia. It stipulated that all public measures of any sort should be submitted on a separate ballot from that upon which the names of candidates appeared. The secretary of state is required to prepare a statement setting forth in detail the portion of the constitution or laws to be affected by the contemplated changes, together with a concise description of the proposed alteration.¹⁷ These statements are intended to clarify the proposition for the voter, but it is to be doubted if the desired result has in all cases been realized.¹⁸

¹⁶ The banking law amendment of 1898 which required only a majority on the proposition became law with the approval of 14 per cent. of the voters participating in the election.

¹⁷ Amendment to the Official Ballot Act of 1891. Laws of Ill., 1899, pp. 151, 216.

¹⁸ For instance in 1908 the proposed banking law amendment appeared on the ballot as follows:

"Proposed Amendment to General Banking Law.

"Amending sections 4, 5, 10, and 11 of the General Banking Law. (Laws, 1907, p. 52.)"

In 1906 the following appeared:

"Proposition to sell certain lands of the Illinois and Michigan Canal.

"Shall that part and portion of the Illinois and Michigan Canal and the ninety(90)

The separate ballot has had a decisive effect upon the number of votes cast upon public measures. The Chicago charter amendment of 1904 received the attention of 71 per cent. of the voters, whereas a proposed amendment designed to solve the same problems which was submitted in 1896 had attracted only 21 per cent. Others factors, however, contributed to swell the sum total in the former instance, foremost among which should be mentioned the strenuous campaign conducted by residents of Chicago to arouse the indifferent voter.¹⁹ The situations are, therefore, not exactly parallel. The submission of two banking law amendments affords a juster comparison. Only 20 per cent. of the voters expressed an interest in the measure of 1898, while in 1908 a similar act on a separate ballot was voted upon by 49 per cent. On both occasions practically no explanation of the propositions was made before the elections. The banking acts and charter amendments are only two instances of what the separate ballot act has done to facilitate the adoption of propositions submitted to a popular vote. It has placed the success of a referendum measure once more within the bounds of possibility.²⁰

foot strip on each side thereof which lie northerly from the point where the northerly line of the present channel of the sanitary district of Chicago in the City of Joliet, Will County, Ill., in sections—together with all property, lands, lots, laterals, feeders, locks, and gates which are a part of said portion of said canal to be sold at public venue (vendue) to the highest and best bidder for cash after giving at least ninety (90) days previous notice of such proposed sale by publication in at least one newspaper of general circulation published daily in each of the cities of Chicago and Joliet, as an entirety and in such parcels as the Governor and Canal Commissioners shall determine to be for the best interests of the state with power to the Canal Commission to reserve the right to reject any and all bids and in case bids or any parts thereof are rejected to readvertise and sell the same and also to execute the necessary deed or deeds to convey the title to the respective parcels sold to the purchaser or purchasers thereof (Laws, 1905, p. 401.)"

¹⁹ The amendment proposed in 1896 sought to amend the amending clause in order to enable the legislature to propose amendments to more than one article at a time.

²⁰ Other states have had a similar experience with the separate ballot. In Idaho referendum measures submitted in 1906 and 1908 upon separate ballots received almost twice the number of votes cast upon measures submitted during the years immediately preceding when such a ballot was not used. South Dakota has likewise increased the size of referendum votes by the same method. See Dodd, *Revision and Amendment of State Constitutions*, p. 277.

Just to what extent this increased percentage of the popular vote represents an increased interest on the part of the voter cannot, of course, be determined conclusively. When the separate ballot is placed in the hands of a voter at the polls he will be inclined to mark it in some fashion. Rather than throw away the ballot he will vote it, even without regard to the merits of its contents. Such a vote does not indicate any interest in the measure but is the result of the automatic working of the separate ballot process. This phenomenon doubtless accounts for a large part of the increased vote on measures submitted in the last decade, and to this extent the larger poll does not indicate a greater interest.

The additional vote may not, however, be entirely worthless. When, as is often the case, the separate ballot presents the question to the voter for the first time, any judgment that he may exercise in voting it must of necessity be a snap-judgment. The value of an opinion expressed under such circumstances will depend entirely upon the nature of the question. If it be simple, easily comprehended, and one of general interest, the average elector will be reasonably well qualified to formulate an intelligent opinion on the spur of the moment; whereas, if it be complex, technical, or of interest to some particular locality only, the vote is bound to be less valuable because such questions demand special knowledge which is not likely to be available. Thus votes of this character may be of real value on questions of general public policy and only on such questions. But whatever worth they may possess, they cannot be said to express an added interest in the questions themselves.

Because, therefore, of the ballot conditions under which questions were submitted, the election returns on measures prior to 1891 are of themselves valueless from the standpoint of interest, inasmuch as they furnish no clue for determining what part of the vote was mechanical and what part was due to the voter's initiative. They do become valuable, however, for this very purpose when compared with returns on measures submitted between 1891 and 1899 under the general official ballot, and between 1900 and 1910 with the separate ballot. During the

nineties the electors received no assistance in the form of mechanical devices to draw their attention toward referenda, and less than one fourth of them voted on such measures. Some voters unquestionably refrained from marking such propositions with the deliberate intention of thereby voting against them, for it was common knowledge that this was an effective and easy method of defeating a referendum measure. In particular cases some newspapers openly urged the voters to reject certain referenda in just this way.²¹ On the whole, however, the failure to vote on measures indicates in no uncertain way a decided lack of interest on the part of the electorate. Prior to 1891 many votes were unquestionably cast without the knowledge of the voters who cast them. Between 1891 and 1899 there was no opportunity for automatic, unconscious voting and this element was eliminated. As a result measures received, on an average, about one third as many votes as they had been receiving under the party ballot system although they perhaps received about the same degree of popular attention. Since 1899 the separate ballot has increased the size of the vote on measures by reintroducing to some extent automatic balloting, but under conditions which compel the elector to do his own voting. This increase must also be attributed in part to the fact that many of the questions have been more intelligible and of more direct interest to the average voter than questions submitted before 1899. Even then, with all the facilities offered by a separate ballot a total average of only 60 per cent. of all voters at the elections expressed their opinion on referendum propositions.

This absence of popular interest is likely to manifest itself even in the vote which is cast, and in such a way as to give a distinct advantage to those questions that appear at the top of the ballot. Thus the position of a measure may vitally affect the result. Especially is this true when a large number of questions appear at a single election and when a separate ballot is employed. After marking the first question or the first two or three questions the elector is apt to feel a sense of duty done and decline to trouble himself with the remaining

²¹ *Springfield Journal*, 1892, Nov. 7 and 8.

measures. This tendency has had very little effect upon propositions submitted in Illinois, mainly because only a few questions have been submitted at one time.²² There is, however, an indication of its presence on at least one occasion. The Chicago charter amendment headed the ballot in 1904, followed by three public policy questions, and the attention which each received varied directly with its distance from the top.²³ On the other hand the last question in 1902 received the greatest share of attention, while in the recent election (November, 1910) the last polled more votes than the second but not so many as the first.

Aside from the form in which a question appears upon the ballot, another factor vitally affecting the popular vote upon any referendum measure is the amount of publicity which it receives on the eve of the election at which it is submitted. This is especially true when the questions are of a nature not directly affecting the interests of the ordinary voter, and most of the measures for which the constitution provides a referendum are of this sort.²⁴ Few attempts seem to have been made in the past to meet this pressing need. No more than two or three instances can be found in which anything resembling concerted effort was made to familiarize the voters with a proposed measure. This fact may go far to explain the rather discouraging results that have been described.

Even during the period of the party ballot, before 1891, some evidence may be obtained as to the effect which a campaign of publicity and discussion produced upon the resulting vote. The proposed amendment to abolish contract convict labor, submitted in 1886, called forth much discussion. Very early in

²² Except when entire constitutions with separate articles were submitted at special elections no more than four propositions have ever appeared on the same ballot. Sometimes, however to the state-wide questions are added numerous others of a local nature, so that the voter is often confronted with a formidable array of measures.

²³ 70 per cent. on the amendment, 61 per cent. on question No. 1, 57 per cent. on question No. 2, and 56 per cent. on question No. 3.

²⁴ Neither the sale of Illinois and Michigan Canal lands nor banking acts are likely to enthuse the voter, while constitutional amendments may or may not be of general interest.

the campaign representative newspapers of the state began to consider the question, devoting liberal editorial as well as news space to it.²⁵ The measure was itself a popular one and needed only a general awakening of public sentiment to insure its success. Politically it met no opposition, for both the leading parties gave it unqualified indorsement in their platforms. General newspaper discussion was supplemented by efforts of the State Board of Labor Statistics. This board prepared a small pamphlet of 156 pages containing a discussion of the results of prison contract labor and the effect of the system upon labor in general. The contents of this pamphlet were condemnatory of the existing practice and thousands of copies were distributed among the voters as campaign literature. Labor organizations were directly responsible for the proposal of the amendment, and they did some effective campaigning for the measure. A few days before the election a small leaflet was prepared addressed to the workingmen of the state and containing instructions on how to vote for the amendment.

These attempts to enlighten the public and attract attention to the proposition are mentioned because they seem to have been unusual in the early history of the state-wide referendum. Previous measures had, indeed, been the subject of newspaper comment, usually in the form of short and infrequent editorials.²⁶ But the contract labor amendment furnishes the only instance before 1891 in which a definite attempt was made to interest and enlighten the voters. The showing at the election would seem to indicate that the effort was worth while for this amendment was voted upon by a larger percentage of the electorate than any other proposition submitted under the same conditions and with other factors substantially the same.

The half-hearted attempts at publicity during the succeeding

²⁵ The *Illinois State Register* and *Springfield Journal*, the latter of which urged all newspapers to inaugurate a policy of general discussion.

²⁶ The *Springfield Journal*, which may be taken as typical, devoted three editorials and no news space to the amendment of 1878, one editorial to the two propositions of 1884, while the contract labor amendment of 1886 filled page after page of news space.

years may be passed over as unworthy of special mention.²⁷ Prior to 1891 there was ordinarily no need for undue exertion in this respect, for the success of a measure could be more easily assured by the method of printing only the affirmative of the question on the party ballots. Under the official ballot law of 1891 three successive defeats of proposed constitutional amendments were necessary to convince the public that a measure could not hope to be successful without extraordinary efforts being made to overcome the indifference and ignorance of the voters.²⁸ When, therefore, the amendment to provide special legislation for Chicago was submitted in 1904 every possible effort was made to accomplish this task. The details of some of the methods employed in this campaign furnish a striking example of what may be done to arouse interest in propositions submitted to popular vote.

The proposed amendment was submitted at the fall election of 1904. As early as the summer of 1903 the executive committee of the new Chicago charter convention selected a publicity committee to advertise the measure. This committee worked in conjunction with the Referendum League of Illinois and other organizations to effect its end. Although the proposition became an important factor in the political campaign it was strictly non-partisan. Late in January, 1904, the Republican Central Committee adopted resolutions urging all voters, regardless of party, to vote for the amendment. The state and local party conventions were asked to take similar action. During the course of the campaign candidates for office strongly

²⁷ The only mention of referendum measures to be found are short editorials of indorsement or denunciation. In 1892 the Springfield papers contained one or two editorials each. Propositions of 1894 and 1896 received relatively the same amount of attention.

²⁸ In 1904, Mr. Deneen, then candidate for governor, declared that the constitutional amendment then pending was not threatened by open hostility but by ignorance and indifference. He cited as an example an instance from southern Illinois where sixty voters were questioned concerning the proposal. All except one confessed to absolute ignorance and that one revealed his ignorance by his explanation.

urged its adoption.²⁹ The press of the state led by the Chicago dailies, generously assisted in arousing interest,³⁰ while various business interests gave it emphatic support. It is estimated that over three million pieces of literature were distributed in various ways. On one day alone fifty thousand pamphlets were sent through the mails to voters.

The campaign did not stop until the polls closed on election day. Special efforts were made to bring out the voters. With a fund of \$30,000 at its disposal the publicity committee of the charter convention assigned a small army of eight thousand men to work in the 3,841 election precincts of the state. Over five thousand of these were paid by the committee for their services, while hundreds of volunteers were drawn from the colleges and universities. Several large business houses of Chicago loaned their employees to the committee for the day, while the regular precinct workers, regardless of party, also assisted.³¹ As a final appeal, cards explaining the method of voting the "little ballot"³² were handed to the voters when they approached the polling places.

In view of these extraordinary efforts it is interesting to note what effect the campaign produced upon the final vote. In the returns we find that 1,089,000 votes were cast at the election; 678,000 votes were cast for the proposed amendment and 94,000 against it. Thus about 71 per cent. of the electors voted upon the proposition. Other measures found on the same ballot but not so extensively advertised and discussed polled about 58 per cent. of the total vote.³³ Considering the question

²⁹ The *Galesburg Republican Register*, in one issue, appeared with a four-column editorial endorsing the amendment. St. Louis papers, reaching the great mass of voters in southern Illinois, also contributed to the cause.

³⁰ Both Mr. Deneen and Mr. Stringer, candidates for governor, favored it in several of their addresses.

³¹ They were decorated with white badges bearing the legend, "Vote yes for the charter amendment."

³² The separate ballot is popularly known as the "little ballot" to distinguish it from the large ballot upon which the names of candidates appear.

³³ These were public policy measures. It should also be noted that they were questions of direct interest to the voters, while the amendment directly affected only the voters of Chicago. However the fact that the public policy votes were regarded as in no way binding may have reduced the size of the votes on these measures.

from the other point of view, 29 per cent., or almost one third of those voting for candidates, could not be induced to consider the little ballot. This is equivalent to saying that a public measure, receiving practically as much attention in a political campaign as the candidates for office attracted about two thirds as many voters.

The question of the \$20,000,000 deep waterway bond issue, presented as a constitutional amendment in 1908, is another example of a measure favored with much publicity. The large vote which it received as compared with the votes on other measures, has been mentioned. More than 300,000 voters considered the amendment who did not consider an accompanying measure which was neither explained during the preceding campaign nor on the ballot.

These instances are sufficient to show that the size of the total vote on a referendum measure has borne a direct relation to the amount of publicity it has received. Whenever special efforts have been made to enlighten the public, and they have been rare, the public has responded by giving such propositions a greater amount of consideration than others not so well advertised.

A study of referendum votes in Illinois reveals very little as to relative interest which voters have taken in questions of general public policy as distinct from questions that are more or less technical in nature. Judging from the returns it would seem that the voters have disposed of all kinds of questions with almost equal facility. The purely technical proposition of selling property of the Illinois and Michigan Canal was voted upon by a larger share of the electorate than the public policy questions concerning the initiative and referendum, the direct primary, or the direct election of United States senators.³⁴ Most of the nine questions of public policy that have been submitted to a popular vote have dealt with subjects upon which public opinion has been more or less definitely crystallized. The three submitted in 1902 asked the people for an expression of opinion

³⁴ But banking law amendments, which are also technical in nature, have always fared worse than other propositions.

concerning the adoption of the initiative and referendum for state-wide and local legislation, and concerning the election of senators directly by the people. Those of 1904 related to a direct primary law and greater local autonomy. The initiative and referendum proposition was resubmitted in 1910, accompanied by two others relating to corrupt practices at elections and state-wide civil service.

On all these occasions the voters were requested to express their opinion on questions of general policy, stated concisely on the ballot. Notwithstanding the comparative ease of voting on such measures they invariably received less consideration than constitutional amendments and proposed statutes. The desirability of a direct primary law must have been generally recognized in the autumn of 1904 after the prolonged deadlock in the Republican convention at Springfield. It was at least a question with which the electorate was familiar. Yet it received a smaller proportion of the total vote, by five per cent., than the question of selling canal property, which was scarcely capable of being understood even by the intelligent voter, and the merits of which were not discussed. The lighter vote on public policy measures may be partially attributed to a common knowledge that they were merely expressions of opinion and had no binding force and perhaps partly to the fact that the propositions were necessarily somewhat vague and did not indicate the precise terms of the legislative proposal. Whatever the explanation, the fact remains that only slightly over half of the voting populace has manifested sufficient interest in them to give them consideration, even when voting upon measures on the same ballot.

Mention has already been made of the fact that, in Illinois, most measures must be submitted at general elections, and the affirmative vote in order to carry the measure must constitute a majority of the total vote at the election.³⁵ Prior to 1891 this stipulation did not prove to be a serious obstacle, for all meas-

³⁵ It should be repeated that the banking and public policy measures do not require a majority of the total vote at the election.

ures save one³⁶ secured the required number of votes with comparative ease. Fifteen measures of this character have been voted upon since the adoption of the present constitution.

Nine of these were submitted before 1891, and of the remaining six, four have failed. The proposed amendment of 1892 was defeated by direct opposition³⁷ as much as by the apathy of voters. The failure of the canal proposition of 1906 may well be ascribed to the same cause, so far as the returns may be taken as an index. Sixty-six per cent. of all the voters voted on the measure but almost half of them voted in the negative. The remaining two amendments owe their defeat solely to electoral lethargy. In 1894 three times as many voters favored the proposal as opposed it, but the favorable vote constituted only 17.6 per cent. of the entire vote at the election. The favorable vote on the proposed amendment of 1896 was proportionately almost as large but it again amounted to only 14.9 per cent. of the total vote.

A brief survey of the operation of this provision requiring a favorable vote of a majority at the election thus shows that it has not been in fact as disastrous as might have been expected. It has been the direct cause of failure for four measures that were approved by a majority of those voting on the question. But nine measures have been successful in spite of it. Upon two other measures which were defeated the negative vote was larger than the affirmative, which might indicate that even had a sufficient number of the electors voted thereon they would still have been lost. At any rate it is not so clear that with respect to them the provision requiring a majority at the election defeated what would have been the popular will had it been expressed more fully.

On the other hand it is evident that, after the adoption of the official ballot in 1891, the provision requiring a majority at the election made a successful referendum on measures to which it applied almost impossible. This was due to the fact that, under

³⁶ This was the state house appropriation measure. On one of the two occasions when it was defeated the negative vote almost tripled the affirmative.

³⁷ It received an affirmative vote of 84,645 while 93,420 votes were against it.

the ballot conditions prescribed by that law, a sufficient number could not be induced to cast a vote upon measures. Only two of the seven propositions of this character submitted since 1891 have polled the requisite majority and these only after the strenuous efforts at publicity already described. Since 1899 the task has been lightened by the separate ballot which has made the adoption of such measures much easier. Under present conditions of submission, therefore, the requirement that these measures must receive a majority of votes cast at a general election is not exactly prohibitory, but is so nearly so as to render the success of any proposal, even if unopposed, a subject of grave doubt. The only effective method of overcoming the difficulties occasioned by this constitutional provision would seem to lie in instituting a thorough and systematic campaign designed to enlighten the voters and arouse their interest in such measures.

Had the adoption of the banking laws and public policy measures required a majority at the election rather than a majority on the proposition several of them would have been disposed of differently. Of eleven such measures that have been submitted seven would have failed to pass. The amendment to the banking laws, proposed in 1908, was adopted by 40 per cent. of the voting electorate, while 14 per cent. adopted a similar act in 1898. Five questions of public policy would likewise have been rejected, among them being the initiative and referendum, state-wide civil service, and corrupt practices at elections. Thus of the entire seventeen measures that have been referred since the adoption of the official ballot act, eleven have failed to receive a majority of all votes cast at the election and this number includes such popular questions as have been mentioned above. Such a situation reveals something of the difficulties that must be encountered by proposed constitutional amendments in Illinois.³⁸

³⁸ Proposed amendments are confronted with a further difficulty arising from the constitutional provision prohibiting the submission of proposed amendments to more than one article at the same election, or amendments to the same article more than once in four years.

This brief study of the record of the people of Illinois with the state-wide referendum, limited as it has been, would not, of itself, justify roseate hopes of future success with its more extended use. It may well be questioned whether a referendum can be deemed a success when only a small minority of the voters take advantage of it, and the apparent lack of interest on the part of the public is the most discouraging part of our past experience in this regard. The majority of questions that have been submitted to a popular vote have been adopted, but their success must be attributed to mechanical ballot devices employed in submitting them rather than to a real interest manifested by the people. In a few instances systematic efforts at advertising the measures submitted have accomplished much in overcoming this inertia, and these experiences would seem to indicate rather clearly an effective means of meeting the serious problem arising from the absence of popular interest.

While general electoral lethargy has thus destroyed the value of the referendum as a means of obtaining a real expression of public opinion it has, when coupled with the requirement of a favorable vote of a majority at the election, acted as a practical barrier against the success of measures for which a popular vote is provided. It has defeated directly some very desirable legislation, and has accomplished the same end indirectly by preventing the submission of other measures because of the recognized futility of obtaining their adoption.

VOTES ON REFERENDUM PROPOSITIONS IN ILLINOIS.

(1877-1910.)

Proposition	Vote for	Vote against	Total vote on Propo- si- tion	Total vote at Election	Per- cent- age of vote on Propo- si- tion to Total vote
1877. Additional appropriation for state house.....	80,222	204,860	285,082	389,189	73.25
1878. Drainage amendment.....	295,960	60,081	356,041	448,796	79.33
1880. County officers amendment.....	321,552	103,966	425,518	621,117	68.5
1882. Additional appropriation for state house.....	231,632	163,796	395,428	532,583	74.24
Cession Illinois and Michigan canal to U. S.....	363,855	59,675	423,530	532,583	79.52
1884. Additional appropriation for state house.....	364,796	*	673,096
Amendment-veto of separate items of appropriation bills.....	427,821	*	673,096
1886. Amendment abolishing contract convict labor.....	306,565	169,327	475,892	574,080	82.89
1888. Act to amend the banking laws.....	380,945	130,772	511,717	747,683	68.44
1890. Amendment authorizing Chicago bond issue for Columbian Exposition.....	500,299	55,073	555,372	677,817	81.90
Act to amend banking laws.....	480,512	56,737	537,249	677,817	79.26
1892. Amendment to amending article.....	84,645	93,420	178,065	871,508	20.43
1894. Amendment to provide for labor legislation.....	155,393	59,558	214,951	873,426	24.61
1896. Amendment to article on amendment	163,057	66,519	229,576	1,090,869	21.04
1898. Act to amend banking laws.....	124,656	55,773	180,429	878,583	20.53

* Negative vote not recorded.

VOTES ON REFERENDUM PROPOSITIONS IN ILLINOIS.
(1877-1910).

Proposition	Vote for	Vote against	Total vote on Proposi- tion	Total vote at Election	Per- cent- age of vote on Propo- sition to Total vote
1902. Initiative and referendum—(public policy measure).....	428,469	87,654	516,123	859,974	60.01
Local initiative and referendum—(public policy measure).....	390,972	83,377	474,349	859,974	55.15
Direct election U. S. senators—(public policy measure).....	451,319	76,975	528,294	859,974	61.43
1904. Amendment providing for special legislation for Chicago	678,393	94,038	772,431	1,089,458	70.90
Direct primary (public policy measure).....	590,976	78,446	669,422	1,089,458	61.44
Local veto on local legislation (public policy measure).....	535,501	95,420	630,921	1,089,458	57.91
Local control of local taxation (public policy measure).....	476,783	140,896	617,697	1,089,458	56.69
1906. Sale of Illinois and Michigan Canal lands.....	313,297	282,980	596,277	899,016	66.32
1908. Amendment to separate section on canal to authorize \$20,000,000 bond issue.....	692,522	195,177	887,699	1,169,330	75.90
Act to amend banking laws.....	473,755	108,553	582,308	1,169,330	49.79
1910. Initiative and referendum (public policy measure).....	447,908	128,398	576,306	945,711	60.93
State civil service (public policy measure).....	411,676	121,132	532,808	945,711	56.33
Corrupt practices act (public policy measure).....	422,437	122,689	545,126	945,711	57.64